

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002  
(Filed October 5, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING  
MOTIONS FOR (1) EXTENSIONS OF PROTECTIVE ORDERS  
AND (2) PROTECTIVE ORDERS REGARDING 2004  
ELECTRICAL EMERGENCY PLANS**

**1. Summary**

The motions of Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas and Electric Company (SDG&E) to extend existing protective orders regarding portions of their electrical emergency plans (EEPs)<sup>1</sup> are granted to the extent provided herein for

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<sup>1</sup> EEP here means the following and associated documents: (1) PG&E's Electrical Emergency Plans, as well as the associated Underfrequency Load and Generation Shedding Plans and the Manual Deep Load Shedding Instructions Plans; (2) SCE's Rotating Outage Action Plan, Electric Emergency Action Plan, and list of names and addresses of water and wastewater essential customers that was filed as Exhibit C to SCE's verification of notice of the Category H exemption on June 2, 2002; and (3) SDG&E's Electric Emergency Load Curtailment Plans, including its Emergency Manual Load Shedding and Under-frequency Load Drop Schedule.

two years, to June 30, 2006. The motions of PG&E, SCE and SDG&E for protective orders regarding portions of their 2004 EEPs are granted for a period of two years, to June 30, 2006.

## **2. Background**

In the last few years, several motions have been made and granted to protect portions of each utility's EEP. This protection has generally been granted for two years. Utilities now file the following six motions:

### **A. Motions for extension of existing protective orders**

1. On May 28, 2004, PG&E moved to extend protective orders regarding the filing of its 2001 and 2002 Electrical Emergency Plans. PG&E seeks protection for two years.
2. On May 28, 2004, SCE moved to extend protective orders regarding its 2001 Rotating Outage Action Plan, 2002 Emergency Action Plan, and list of names and addresses of water and wastewater essential customers that was filed as Exhibit C to SCE's verification of notice of the Category H exemption on June 2, 2002. SCE seeks protection for a minimum of two years.
3. On June 1, 2004, SDG&E moved for limited extension of the protective order for its 2002 Electrical Emergency Load Curtailment Plan. SDG&E seeks a one-year extension, until June 30, 2005.

### **B. Motions for protection regarding newly filed material**

4. On June 30, 2004, PG&E moved to file confidential material in its 2004 EEP under seal. PG&E seeks protection for two years.
5. On June 30, 2004, SCE moved for protective order regarding its 2004 Emergency Action Plan. SCE seeks protection for ten years.
6. On June 1, 2004, SDG&E moved for protective order for its 2004 Electrical Emergency Load Curtailment Plan. SDG&E seeks protection for two years.

Each utility filed both a redacted and unredacted version of its 2004 EEP, as well as filing and serving a Notice of Availability. No response to any of the six pending motions has been received.

### **3. Discussion**

The same reasons that justified protection of portions of prior EEPs now justify extension of existing protective orders. Those same reasons also justify protective orders for the 2004 EEPs. Consistent with current practice, the protection should be provided for two years.

#### **3.1 Justification**

Each utility's EEP contains sensitive employee and customer information used during an emergency. The information includes employee names, home telephone numbers, and work telephone numbers. It also includes the identities, locations and account numbers of essential customers (*e.g.*, government agencies essential to the national defense, transmission level customers, police and fire stations with their associated communication facilities). As SCE points out, these are customers the Commission has determined are essential to public health, safety and security. Moreover, the Commission has previously ruled, according to SCE, that specific customer information should not be publicly disclosed without prior consent of the affected customer.

Further, each EEP contains information on the locations and identities of circuits within each rotating outage block and sub-block that, if disclosed, could create security issues. The EEPs contain information about curtailment plans traditionally kept confidential in order to protect the integrity and security of system operations, and to minimize the potential for interference with normal

operations. Maintaining the confidentiality of this information is necessary to prevent harm to each utility, its employees and its customers.

Thus, PG&E, SCE and SDG&E persuasively argue that disclosure of information for which protection is sought would reveal confidential employee and customer information, and create serious security issues. Among other risks, it could make customers and electric systems vulnerable to sabotage or terrorism. The motions should be granted to protect public health, safety, security and welfare.

### **3.2 Duration**

PG&E seeks protection for two years regarding the extensions, and two years regarding its 2004 EEP. SCE seeks protection for a minimum of two years regarding the extensions, and ten years for the 2004 EEP.

SDG&E seeks extension for one year of the protective order for its 2002 EEP. SDG&E asserts that this will coincide with expiration of the protective order for its 2003 EEP, due to expire June 30, 2005. SDG&E says simultaneous dates will permit investor owned utilities and the Commission an opportunity to reach a comprehensive resolution regarding the appropriate protective treatment to be accorded the security-sensitive data contained in EEPs. SDG&E seeks protection for two years for its 2004 EEP.

It is generally not current Commission practice to hold documents under seal for periods exceeding two years. The Commission seeks to do as much of its business in the open as possible, and sealed information is typically expected to lose its sensitive nature over time. A two-year renewal permits utilities, parties and the Commission to reassess the sensitivity of the data. Moreover, holding records under seal increases burden and cost to the State. There is insufficient reason here to seal the information for more than two years

given the relative ease with which utilities may obtain extensions of protective orders if justified.

At the same time, utilities, parties and the Commission enjoy some administrative convenience if the various protective orders expire simultaneously. Thus, the six motions here will be granted, with protection extended or newly authorized, for two years, to June 30, 2006.

The most recent Ruling in this proceeding regarding protective orders noted that the EEPs are required by Commission decision.<sup>2</sup> It also invited utilities to propose changes to the existing EEP filing requirements by a petition for modification or other appropriate vehicle if two-year renewals are unacceptable or unreasonable.

This Ruling repeats that invitation. Utilities should continue to consider the most reasonable, efficient and convenient means to provide data to the Commission, while minimizing the data that must be protected and making protection (and renewals of that protection) as administratively convenient as possible. This must be done recognizing the necessary balance between (a) the public's right to information, the Commission doing its work in the open, and the burden and cost to the state of maintaining material under seal and (b) vital and necessary protection of public health, safety and welfare. Parties may wish to file petitions for modification of Commission orders, if appropriate.

Alternatively, according to SCE, neither the essential customer nor the circuit configuration data change significantly from year to year, and the

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<sup>2</sup> The Ruling cited D.82-06-021 (which requires utilities to file such plans with the Commission's Docket Office in triplicate along with furnishing a copy to the Director of

*Footnote continued on next page*

information will continue to comprise a reasonably accurate list of sensitive information into the foreseeable future. To the extent true, utilities may wish to renew this argument in future motions.

**IT IS RULED** that:

1. The six motions identified in the body of this Ruling are granted to the extent provided herein. The protection is provided for a period of two years, to June 30, 2006, during which time the redacted material shall remain under seal. The sealed information shall not be made accessible or disclosed to anyone other than Commission staff, except on the further order or ruling of the Commission, Assigned Commissioner, Assigned Administrative Law Judge (ALJ), or the then designated Law and Motion Judge.

2. If a party believes that protection of the redacted information is needed beyond June 30, 2006, that party may file and serve a motion stating the justification for further withholding of the material from public inspection, or for such other relief as Commission rules may then provide. The motion for further protection shall be filed and served no later than 30 days before June 30, 2006.

3. If a party, person or customer seeks access to any information sealed herein for use in this or another Commission proceeding, or for any other reasonable purpose, and can establish that access to such information is necessary to its participation in such proceeding or other reasonable purpose, the utility shall negotiate a reasonable nondisclosure and confidentiality agreement with that party, person or customer. In the event of a dispute, the utility shall

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the industry division), D.91548, D.01-04-006 and D.02-04-060. (Ruling dated July 24, 2003, at page 4.)

contact the ALJ assigned to the proceeding, or the Law and Motion Judge, for resolution of the dispute.

Dated September 16, 2004, at San Francisco, California.

/s/ Burton W. Mattson  

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Burton W. Mattson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motions for (1) Extensions of Protective Orders and (2) Protective Orders Regarding 2004 Electrical Emergency Plans on all parties of record in this proceeding or their attorneys of record.

Dated September 16, 2004, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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R.00-10-002 ALJ/BWM/avs

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